IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3847 OF 2007

Bhimabai w/o.Laxman Borade .. Petitioner.

Versus

Nashik Zilha Mahila Vikas Sahakari

Bank Maryadit, Nashik & Ors. .. Respondents.

Mr.Uday Warunjikar for petitioner.

None for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5TH JULY, 2007.

P.C.:

1. Heard Mr.Warunjikar, learned Advocate appearing for the petitioner. Perused the petition and annexures thereto.

2. All that the order passed by the Divisional Joint Registrar, copy of which is annexed as Annexure-I to the petition, records is that the revision application preferred by the petitioner against issuing a certificate

under Section 101 of the Maharashtra Co-Operative Societies Act, 1960 cannot be heard unless compliance is made with the mandate of Section 154 (2)(a) of the said Act. The moment compliance is made and 50% of the amount under the recovery certificate is deposited, the revisional authority is ready and willing to decide the revision application on merits.

3. I see no prejudice being caused to the petitioner by this direction inasmuch as amount deposited is without prejudice to the rights and contentions of the petitioner on merits of the revision application. That such a provision is held to be valid not only in the Co-Operative Societies Act but other enactments is not disputed. All the grounds touch the merits of the matter and in the face of an alternate equally efficacious remedy available in law, it is not possible to entertain the present writ petition.

4. Writ petition is, therefore, summarily dismissed.

(S.C.Dharmadhikari, J.)